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November 10, 2020

MEMO ENDORSED, p. 3

By ECF

Honorable Judge Sydney H. Stein
United States District Court
Southern District of New York
40 Foley Square, Room 1305
New York, New York 10007

Re: *In Re Application Pursuant to 28 U.S.C. § 1782 For Discovery In Aid Of Foreign Proceedings*, Misc. Action No. 1:20-mc-00367-SHS
Letter Motion to Seal

Dear Honorable Judge Stein:

This firm is legal counsel to the applicant, The Republic of Kazakhstan (“**Kazakhstan**”) in the above-referenced matter. We write in regards to Kazakhstan’s *ex parte* Application pursuant to 28 U.S.C. § 1782 (Docket #2) (“**Application**”), to respectfully move to file the following documents under seal:

1. Kazakhstan’s Application and Exhibit A thereto;
2. Kazakhstan’s Memorandum of Law in Support of Its Application; and
3. The Declaration of Matthew E. Draper, Esq. in Support of the Application and Exhibit A thereto.

At the direction of the Clerk of the Court, the above documents were submitted via ECF with narrowly tailored redactions in connection with the Application (*see* Dkt. #3 (Memorandum of Law); Dkt #4 (Declaration in Support of Motion and attachment)).

The Application arises out of Kazakhstan’s efforts to enforce and collect upon an arbitral award that was issued in Kazakhstan’s favor in an arbitration administered by the

Permanent Court of Arbitration, Case No., 2016-23 (“**Arbitral Award**”) that a Canadian company called Gold Pool JV Limited (“**Gold Pool**”) commenced against Kazakhstan in March of 2016 (“**Arbitration**”). The Tribunal ordered, and the parties agreed, that the arbitration proceedings be kept strictly confidential.

Consequently, Kazakhstan moves to file under seal unredacted versions of the Application and its supporting documents for two reasons. First, as noted, the Arbitration is subject to a strict confidentiality scheme and Kazakhstan is under a continuing obligation to maintain the confidentiality of those proceedings. Second, the Application contains sensitive and confidential information pertaining to Gold Pool’s business and its finances, as well as like information pertaining to individuals and entities that are not parties to the Arbitration or this action. Thus, Kazakhstan seeks to redact only: (1) information about the Arbitration that is not already in the public domain – such as, details concerning the amount of the Arbitral Award; and (2) sensitive personal and financial information of individuals who are not a party to the Arbitration or this Application.

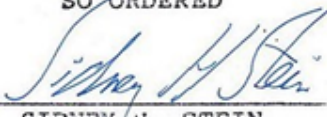
Filed in conjunction with this Letter Motion are: the Application and its supporting documents, with the redacted portions in Dkt. Nos. 2-4 unredacted and highlighted.

For the reasons explained above, good cause exists for granting this Letter Motion. We are available at the Court’s convenience to answer any questions. Since news reports on this Application¹ raise the possibility of further dissipation of Gold Pool’s assets and undermine its *ex parte* nature, we thank the Court for its time and attention to this matter.

¹ To date, news reports have appeared on Law360.com (<https://www.law360.com/articles/1326711/kazakhstan-seeks-assets-to-cover-fees-in-mining-dispute>) and in the Global Arbitration Review (<https://globalarbitrationreview.com/kazakhstan-hunts-failed-claimants-assets>).

Application granted.

**Dated: New York, New York
November 12, 2020**

SO ORDERED

SIDNEY H. STEIN
U.S.D.J.

Respectfully submitted,



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